



ARIZONA GAME AND FISH DEPARTMENT

Article 3. Taking and Handling of Wildlife Summary of Proposed Rule Changes

R12-4-301. Restrictions for Taking Wildlife in Maricopa County Parks

- The Department will amend the rule as was recommended in the five-year rule review submitted to the Council in 2002, and make the article consistent with current requirements for rulemaking language and style.
- In addition, the Department will amend the rule to allow the trapping of any wildlife species in Maricopa County parks if there is a need to reduce their numbers for the safety of the general public or other wildlife. The Department currently allows the trapping and removal of predatory wildlife for these purposes.

R12-4-302. Use of Tags

- Subsection (C), (D), and (E) will be revised to clarify that an individual taking wildlife shall not possess a tag issued to anyone else, or attach a tag issued to anyone else to an animal that he or she has killed.
- Subsection (F) will be revised to clarify that an individual shall take and tag only the animal identified on that individual's tag.
- Subsection (G) will be revised to clarify that an individual shall use a tag only in the season and hunt area for which the tag is valid.
- Subsection (H) will be deleted because it is redundant and in conflict with subsection (G).
- Subsection (I) will be revised to clarify that the tag that an individual attaches shall be his or her legal tag.
- Subsection (I)(2) prescribes the manner in which a tag shall be attached. The subsection will be revised to clarify that a tag needs to be attached so that it cannot be removed or reused. The amendment will also include new tag requirements for buffalo, sandhill crane and pheasant.
- Subsection (J) will be revised to clarify that if the transportation and shipping permit portion of the tag has been signed, the tag is no longer valid for taking wildlife.
- The use of the word "animal" in the rule has been found to be vague and too limited in scope, and the Department intends to amend the rule to replace all occurrences of the word "animal" with the more accurate "wildlife."

R12-4-303. Prohibited Devices and Ammunition

- The title of the rule will be revised to replace "prohibited" with "unlawful" to more accurately reflect the contents of the rule. The revised title will be "Unlawful Devices, Methods, and Ammunition."
- The introductory paragraph will be amended to reflect the change to the title, and to more accurately reflect the nature of the devices, methods and ammunition listed in the rule. Thus, "methods" will be added to the prohibitions.
- The word "posses" in the introductory paragraph is misspelled and will be revised to read, "possess."

- The rule will be amended to delete the provision in subsection (7) that requires that persons using pitfall traps remove them when no longer in use and fill in any holes. This provision will be moved to R12-4-304 (E) and (F), since it places requirements on a method of take rather than defining an unlawful device.
- The Department will amend the article to prohibit bear baiting seasons. As part of this action, a new subsection (B) will be added to make substances placed in a manner intended to attract bears unlawful.
- Subsection (4) will be amended to make unlawful semiautomatic centerfire rifles with a magazine capacity of more than five cartridges, unless the magazine is modified with a filler or stop that cannot be removed without disassembling the magazine. This will still allow the use of centerfire rifles that are semiautomatic for taking wildlife within certain restrictions.
- The Department will amend the rule to add a new subsection (C) to make manual or powered jacking or prying devices used to take reptiles and amphibians unlawful.
- The Department will add a new subsection to make the rule consistent with federal regulations. Subsection (D) will be added to make unlawful live decoys, recorded bird calls, electronically amplified bird calls, and baits for taking migratory game birds, as prohibited by 50 CFR 20.21. This federal rule will also be incorporated by reference.
- The Department will amend the introductory paragraph of the rule to remove references to A.R.S. § 17-309 subsections (A)(6), (10), (19) and (21); but retain the original statute. The Department does this to eliminate the need for future rule amendments that would be required should additional methods of take be found to be unlawful under A.R.S. § 17-309.

R12-4-304. Lawful Methods for Taking Wild Mammals, Birds and Reptiles

- Subsection (A)(2)(i), which allows for bear baiting, will be deleted. Most Western states now prohibit bear baiting, and Department records indicate that there have been no requests from the public for a bear-baiting season since 1986. The Department, therefore, believes that it is prudent to delete this provision from R12-4-304(A)(2)(i) and R12-4-318(C)(5). R12-4-303 will also be amended to add subsection (8) to make "substances placed in a manner intended to attract bears" unlawful.
- Revise subsections (D), (E) and (F) to clarify that it is not the intent of the rule to disallow the attachment of lights to a vehicle or powered watercraft for any purpose except the taking of wildlife.
- The exception for soft shell turtles in subsection (F) will be deleted, since soft shell turtles are an invasive, non-native species, and the Department desires to increase their harvest for the conservation of native wildlife.
- The rule will be amended to add the following to subsections (E) and (F): "Persons using pitfalls as allowed under this Section and not prohibited by R12-4-303 shall remove the pitfalls when no longer in use and shall fill in any holes." This provision is currently contained in R12-4-303(7), but will be moved to these subsections since it does not define a prohibited device or method of take, but instead places specific restrictions on the use of a method of take.
- Subsections (E) and (F) will be amended to add that pitfall traps of any size shall be checked daily and non-target species released.
- Add to subsection (A)(2) that bears may only be taken by pursuit with dogs between August 1 and December 31. These dates eliminate pursuit during the seasons when bears raise their young.
- Add to subsection (A)(8) that mountain lion may be taken by pursuit with dogs, as is authorized by R12-4-318.
- Subsection (A)(8)(h) will be amended to remove the restriction that a crossbow may be used to take mountain lion only under a crossbow permit. The Department has determined that a crossbow is sufficient to take mountain lions when authorized by Commission Order during a general season.
- New subsection (A)(9)(k) will be added to authorize the use of .17 rimfire magnum rifles to take turkey.
- Revise subsection (B)(3)(d) to prohibit the use of lead shot to take certain species of migratory game birds, because lead shot can become toxic. This will replace the restriction placed on lead shot in Commission-ordered "nontoxic shot zones," which have not been used.

- New subsection (B)(3)(e) will be added to restrict shotguns shooting shot so that they are incapable of holding more than two shells in the magazine, unless plugged with a one-piece filler (that cannot be removed without disassembling the gun) that limits the magazine capacity to two shells. This allows the use of shotguns shooting shot, but restricts the use of rapid fire shotguns.

R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wild Mammals, Birds, and Reptiles

- The Department intends to revise the title and the text of R12-4-305 to replace the phrase "Wild Mammals, Birds, and Reptiles" with the term "wildlife" which is defined in A.R.S. § 17-101(A)(22). This will more accurately reflect the subject matter of R12-4-305, and it will allow the provisions of R12-4-314, which addresses the Possession, Sale, Transportation, and Importation of the Carcasses and Parts of Aquatic Wildlife, to be included in R12-4-305. Moving the provisions of R12-4-314 to R12-4-305 will allow the Department to repeal R12-4-314, which will benefit the Department and the public by more logically locating the requirements for possessing, transporting, importing, exporting, and selling of all wildlife in one rule.
- The definition of "evidence of legality" in subsection (A) is awkwardly worded and the Department intends to revise it as follows:

For the purposes of this Section, "evidence of legality" means ~~that wildlife is identifiable as to species and legality, and that the wildlife is accompanied by any appropriate license, tag, stamp, or permit required by law:~~

1. The wildlife is identifiable as the "legal wildlife" prescribed by Commission order, which may include evidence of species, gender, antler or horn growth, maturity and size; and
2. Wildlife is accompanied by proof of any appropriate license, tag, stamp or permit required by law.

- The material in R12-4-305(B) is too complex to be included in just one subsection. The Department intends to make the following revisions to subsection (B):

~~B. A person shall ensure that evidence of legality remains with the carcass or parts of a carcass of any wild mammal, bird, or reptile the person possesses or transports, until arrival at the person's permanent abode or commercial processing plant for processing or the place where the wildlife is to be consumed. A person possessing or transporting the following shall also ensure that:~~

1. ~~Big game and sandhill cranes each have the required hunt permit tag or nonpermit tag attached as prescribed in R12-4-302.~~
2. ~~Migratory game birds, except sandhill cranes, each have 1 fully feathered wing attached.~~
3. ~~Each sandhill crane has either the fully feathered head or 1 fully feathered wing attached.~~
4. ~~Each quail has attached a fully feathered head, or a fully feathered wing, or a leg with foot attached, if the current Commission order has established separate bag or possession limits for any species of quail.~~

B. An individual shall ensure that evidence of legality remains with the carcass or parts of a carcass of any wild mammal, bird, or reptile the individual possesses or transports, until arrival at the individual's permanent abode or commercial processing plant for processing or the place where the wildlife is to be consumed.

- The Department intends to amend and divide existing subsection (C) into two or more renumbered new subsections that will include detailed requirements for the transportation and shipment of wildlife.

C. In addition to the requirements of subsection (B), a individual possessing or transporting the following wildlife shall also ensure that:

1. Big game, sandhill cranes, and pheasant each have the required valid tag attached as prescribed in R12-4-302.
2. Migratory game birds, except sandhill cranes, each have 1 fully feathered wing attached.
3. Each sandhill crane has either the fully feathered head or 1 fully feathered wing attached.
4. Each quail has attached a fully feathered head, or a fully feathered wing, or a leg with foot attached, if the current Commission order has established separate bag or possession limits for any species of quail.

- A new subsection (D) will be added to the rule to clearly define what a person is required to do to transport pieces of a big game animal, how a person gets a transport tag, and how separate persons can transport the pieces of a big game animal to include the requirements for a nonresident to transport or authorize another to transport a big game animal out of the state or country.
- The Department intends to revise subsection (F) to add the tagging requirement provisions from R12-4-307(K)(1) directly to this rule, which will eliminate the need for the cross reference to R12-4-307.
- The Department intends to revise subsection (F) to replace the phrase "...when accompanied by license, tag or permit required from that state or country" with the more accurate "...when accompanied by evidence of legality."
- The Department intends to add new subsections (I), (J) and (K) which will read as follows:

I. ~~This Section is effective April 1, 1997~~ An individual may import into this state the carcasses or parts of aquatic wildlife that have been lawfully taken in another state or country when accompanied by evidence of legality, and when transported and exported in accordance with the laws of the state or country of origin.

J. An individual in possession of or transporting the carcasses of any freshwater fish that have been taken within Arizona shall ensure that the head, tail, or skin is attached so that the species can be identified, numbers counted, and any required length determined.

K. An individual in possession of carp (*Cyprinus carpio*) or buffalofish (*Ictiobus* spp.) carcasses taken under Commission order may sell the carcasses.

- The use of the term "Transportation or Shipping Permit" in the rule will be revised to reflect proposed changes to the Department's transportation or shipping documentation materials. The Department therefore intends to amend the rule to replace all occurrences of the term "Transportation or Shipping Permit" with the new term, "Transport/Shipping Permit."

R12-4-306. Buffalo hunt regulations

- The title of R12-4-306 will be changed from "Buffalo hunt regulations" to "Buffalo Hunt Requirements." This will eliminate any confusion with the Department's annual hunt regulations publication.
- Revise the rule to change "House Rock Ranch" to "House Rock Wildlife Area" since the term "ranch" is no longer used to designate this location.
- Revise the rule to change "Raymond Ranch" to "Raymond Wildlife Area" since this is now the designation for this location.
- Amend subsection (B) to make it more clear, concise and understandable.
- Amend subsection (C) to make it more clear, concise and understandable.
- Revise subsection (D) to clearly indicate that the requirements apply to the Raymond Wildlife Area. Also, the last sentence of subsection (D) specifies that the hunter shall shoot only the legal buffalo designated by his or her permit. This provision is fully addressed in R12-4-302, and is found to be unnecessary in this Section. The Department therefore will delete it from the rule.

- Revise subsection (B) to change check-in requirements at House Rock Wildlife Area to make the process more flexible for the public. Both unsuccessful and successful hunters who harvest buffalo will be required to check out at the House Rock Wildlife Area, or report the kill to the Department in person at any Department office or by telephone.
- Reverse the order of subsections (C) and (D) to emulate the linear sequence of events.

R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts

- Amend the rule to clarify the use of water set traps.
- Clarify subsection (E) to apply only to land sets.
- Amend subsection (B) to clarify that, although an individual born before January 1, 1967 does not have to successfully complete a trapping education course to acquire a trapping license under A.R.S. § 17-333.02, an individual born after January 1, 1967 must successfully complete a mandatory trapping education course as part of lawful trapping of predatory and fur-bearing animals.
- Amend subsections (D)(2) and (3) to except live confinement traps from restrictions around occupied residences or buildings, and highways or trails. To require that residents seek consent from other residents within ½ mile to remove nuisance wildlife from their own property is counterintuitive to Title 17 statutes, such as A.R.S. § 17-239. Expanding development has also placed occupied residences and buildings within 100 yards of highways, which has resulted in a circumstantial limitation on the rule.
- Amend subsection (E) for clarity and understandability, and to allow two additional types of land set leghold traps to take wildlife. Advances in modern trap technology necessitate their regulation, as well as safety devices intended to minimize self-mutilation of trapped wildlife and to prevent accidental trapping of domesticated animals.
- New subsection (F) will be added to establish requirements for land leg hold set traps.
- Subsection (M)(3) and (5), formerly (L), will be amended to require that Department personnel or its authorized agents collect transportation tags for bobcat pelts before attaching the bobcat permit tag.

R12-4-308. Wildlife Inspections, Check Stations, and Roadblocks

- Revise subsection (B) to delete material that should be prescribed in Department policy rather than rule. This subsection will also be revised to notify the public that the Department has the authority to conduct inspections in accordance with Department policy and that the principal purposes of inspections are wildlife conservation and regulating the use of wildlife.
- Subsection (B) will be amended to clarify that the primary purpose for wildlife check stations is for the Department to obtain survey and biological data to assist the agency in its wildlife conservation functions instead of subsection (A). The rule will also be clarified in subsection (C), rather than (A), that as a secondary purpose, the Department may use a check station to ensure compliance with applicable laws.
- A new subsection will not be added to clarify that a mandatory check station is different from a voluntary wildlife survey station, and that individuals are under no obligation to comply with a request to participate in this type of survey.
- Subsection (A) will be revised to delete regulations that should be prescribed in Department policy rather than rule, and to allow the Department to establish mandatory wildlife check stations for any purpose to make them more effective and reactive.
- Subsection (B) will be revised to delete material that should be prescribed in Department policy rather than a rule. This subsection will also be revised to notify the public that the Department has the authority to conduct wildlife inspections in accordance with Agency policy and that the principal purpose of inspections are to ensure compliance with applicable wildlife laws. Subsection (B) will also be amended to authorize the Department to obtain survey and biological data from the species of the greatest conservation need at check stations, or failing that, a Department office. A new requirement will be added for non-permit archery deer hunters to report their harvest, for special license-tag hunters to submit their horns or antlers

and skull or skull cap for inspections and photography, and for successful lion hunters to submit a tooth for analysis.

- Amend the rule to change the order of events to make it linear.
- Subsection (C) will be revised to clarify that the Department may use a check station to ensure compliance with applicable laws, and establish requirements for inspection.

R12-4-311. Exemptions from requirement to possess an Arizona fishing license while taking aquatic wildlife

- The title of the rule will be revised to more accurately reflect the contents of the rule. The revised title will be “Exemptions from ~~requirements to possess an Arizona fishing license while taking aquatic wildlife~~ to “Requirements to Possess an Arizona Fishing License while Taking Aquatic Wildlife.””
- In addition to containing outdated information, subsection (C) has been found to be unclear and too limited in scope. The Department intends to revise subsection (C) as follows:
 - C. Any individual fishing in Arizona on the designated Saturday during ~~the week proclaimed by the President of the United States as~~ National Fishing and Boating Week may fish without an Arizona fishing license, provided their privilege to take aquatic wildlife has not been revoked by the Commission. ~~The provisions of this Section apply~~ rule applies to all waters except the Colorado River adjacent to California and Nevada, where fishing without a license is limited to the shoreline, unless the state with concurrent jurisdiction removes licensing requirements on the same day. The provisions of this Section do not apply to Reservation lands except as authorized by tribal governments.
- The phrase "while accompanied by an authorized Department instructor" in subsection (D) has been found to be too restrictive when literally interpreted. The Department intends to revised the phrase to read "while an authorized Department instructor is present" since this is the objective of the rule.

R12-4-312. Special use permits and stamps for fishing on waters with shared jurisdiction

- The title of the rule will be revised to more accurately reflect the contents of the rule. The revised title will be “~~Special use permits and stamps for fishing on waters with shared jurisdiction~~” to “Special Use Permits and Stamps for Fishing on Waters with Shared Jurisdiction”.
- The use of the word "boat" and the phrase "other floating device" in subsection (A) has been found to be vague. The Department intends to clarify the meaning of this subsection by replacing "boat" with "watercraft" and by expanding the phrase "other floating device" to "other floating device or object."
- Amend subsections (A)(1) and (2) to require that any individual fishing on the waters stated in subsection (A) shall have in possession a valid Arizona-Colorado River special use stamp affixed to a valid Arizona fishing license, or a valid Nevada-Colorado River special use stamp affixed to a valid Nevada fishing license.
- Amend subsection (B)(2) to require that any individual fishing from the Arizona shorelines of the waters named in subsection (A), unless exempted by R12-4-310 or R12-4-311, shall have in possession a valid Nevada-Colorado River special use stamp affixed to a valid Nevada fishing license.
- Subsection (B)(1) stipulates that any person fishing from the Arizona shorelines of the waters named in subsection (A) shall have in possession a valid Arizona fishing license, unless exempted pursuant to A.R.S. § 17-335. Exemptions from the requirements of R12-4-312(B)(1) are also allowed under the provisions of R12-4-310 and R12-4-311, and these rules should be added to the list of exemptions in subsection (B)(1).
- Subsection (C)(1) stipulates that any person fishing in the waters of Mittry Lake or Topock Marsh shall have in possession a valid Arizona fishing license, unless exempted pursuant to A.R.S. § 17-335.

Exemptions from the requirements of R12-4-312(C)(1) are also allowed under the provisions of R12-4-310 and R12-4-311, and these rules should be added to the list of exemptions in subsection (C)(1).

- Subsection (D)(1) stipulates that any person fishing in the Arizona portion of Lake Powell shall have in possession a valid Arizona fishing license, unless exempted pursuant to A.R.S. § 17-335. Exemptions from the requirements of R12-4-312(D)(1) are also allowed under the provisions of R12-4-310 and R12-4-311, and these rules should be added to the list of exemptions in subsection (D)(1).

R12-4-313. Lawful Methods of Taking Aquatic Wildlife; Restrictions

- Subsection (B)(2)(b)(i) prescribes that live baitfish may be taken for personal use as bait by a cast net not to exceed a radius of 3 feet measured from the horn to the headline. The 3-foot measurement has been found to be too restrictive, since it is less than the minimum standard radius of cast nets currently being manufactured. The Department will amend the rule to change the 3-foot measurement to 4 feet.
- Subsection (B)(2)(b)(ii) prescribes that live baitfish may be taken for personal use as bait by a minnow trap, as defined in R12-4-101. The Department has determined that this subsection is inadequate because it does not require that ownership identification information be attached to an unattended minnow trap. The Department will amend the rule to require that all unattended minnow traps shall have attached water resistant identification legibly bearing the name, address, and fishing license number of the owner of the trap.
- In reviewing the rule, the Department has concluded that the rule should be restructured to include seasons for the take of aquatic wildlife. The Department will amend the rule accordingly, but will adopt a new Section to accomplish this. The new Section R12-4-317 will be based upon the model of R12-4-318, which prescribes seasons for wild mammals, birds and reptiles. The title of the rule will be changed to “Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles,” and the new rule will address seasons for taking aquatic wildlife.
- Amend subsection (A) to clarify lawful methods of taking aquatic wildlife defined in statute.
- New Subsection (B) will be added to clarify that the Commission may, through Commission order, prescribe legal sizes for possession of aquatic wildlife. This will establish the authorization to cite those who possess wildlife greater than the slot limit.
- Subsection (D) will be deleted and moved to new Section R12-4-317, “Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians and Aquatic Reptiles.”
- Amend subsection (C)(1) to allow the use of seine net to take shad.

R12-4-314. Possession, Sale, Transportation, and Importation of the Carcasses and Parts of Aquatic Wildlife

- The Department intends to repeal R12-4-314 and move its provision to R12-4-305.

R12-4-317. Repealed Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians and Aquatic Reptiles

- In order to address issues related to seasons for taking aquatic wildlife, the Department will adopt a new Section.
- The Department shall adopt the rule as follows:

A. Methods of lawfully taking aquatic wildlife during seasons designated by Commission order as “general” seasons are designated in R12-4-313.

- B. Other seasons designated by Commission order have specific requirements and lawful methods of take more restrictive than those for general seasons, as prescribed in this Section. While taking aquatic wildlife under R12-4-313:
1. An individual participating in an "artificial lures and flies only" season shall use only artificial lures and flies as defined in R12-4-101. The Commission may further restrict "artificial lures and flies only" season to the use of barbless or single barbless hooks. A barbless hook is any fishhook manufactured without barbs or on which barbs have been completely closed or removed.
 2. An individual participating in a "live baitfish" season shall not use any species of fish as live bait, or possess any species of fish for use as live bait at, in or upon any waters unless that species is specified as a live baitfish for those waters by Commission order. Live baitfish shall not be transported from the waters where taken except as allowed in R12-4-316.
 3. An individual participating in an "immediate kill or release" season shall kill and retain the designated species as part of the bag limit or immediately release the wildlife. Further fishing is prohibited after the legal bag limit is killed.
 4. An individual participating in a "catch and immediate release" season shall immediately release the designated species.
 5. An individual participating in an "immediate kill" season shall immediately kill and retain the designated species as part of the bag limit.
 6. An individual participating in a "snagging" season shall use this method only in areas designated by Commission order.
 7. An individual participating in a "spear or spear gun" season shall use this method only in areas designated by Commission order.
- C A "special" season may be designated by Commission order to allow fish to be taken by hand, or by any hand-held, non-motorized implement that does not discharge a projectile. The "special" season may apply to any waters where a fish die-off is imminent due either to poor or low water conditions or Department fish renovation activities.

R12-4-318. Seasons

- The title of the rule has been found to be too limited in scope to fully address the subject matter of the rule. The Department intends to revise the title of R12-4-318 as follows: Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles.
- The Department has found the use of the terms "hunt permit-tag" and "nonpermit-tag" to be unnecessarily confusing in the rule, and the Department intends to amend the R12-4-318 to replace all occurrences of the terms "hunt permit-tag" and "nonpermit-tag" with the word "tag" which is defined in R12-4-101 as "the authorization that an individual is required to obtain from the Department under A.R.S. Title 17 and these rules before taking certain wildlife."
- The introductory paragraph of subsection (C) has been found to be too limited in scope to fully address the subject matter of the rule. The Department intends to revise the subsection as follows:

C. ~~Other seasons~~ When designated by Commission order, the following seasons have specific requirements and lawful methods of take more restrictive than those for general and special seasons, as prescribed in this Section. While taking wildlife the species authorized by the season:

- Subsection (C)(3) has been found to be too limited in scope to fully address the subject matter of the rule. The Department intends to revise the subsection as follows:

3. An individual participating in a "handguns, archery, and muzzleloader (HAM)" season may only use or possess any or all of the following: ~~a handgun (as prescribed in R12-4-304), muzzle-loading rifle (as defined in R12-4-101), crossbow (as prescribed in R12-4-304), and bow and arrow (as prescribed in R12-4-304)~~ handguns, muzzle-loading rifles, crossbows, or bows and arrows; as prescribed in R12-4-304 and defined in R12-4-101.
- Subsection (C)(4) has been found to be awkward and too limited in scope to fully address the subject matter of the rule. The Department intends to revise the subsection as follows:
 4. ~~The use of dogs is prohibited during spring bear seasons~~ An individual possessing a valid tag for a bear season between January 1 and July 31 shall not use dogs to take bear.
 - Subsection (C)(5), which allows for bear baiting, will be deleted. Most Western states now prohibit bear baiting, and Department records indicate that there have been no requests from the public for a bear-baiting season since 1986. The Department, therefore, believes that it is prudent to delete this provision from R12-4-318(C)(5) and R12-4-304(A)(2)(h). R12-4-303 will also be amended to add subsection (8) to make "substances placed in a manner intended to attract bears" unlawful.
 - The phrase "shall have in possession any required tag for taking the animal pursued" in the second sentence of subsection (C)(6) has been found to be too limited in scope. The Department intends to revise the phrase to read, "shall have in possession a valid hunting license and any required tag for taking the animal pursued."
 - The phrase "may only use or possess the following" in subsection (C)(7) has been found to be too limited in scope. The Department intends to revise the phrase to read, "may only use or possess the following methods or devices for taking wildlife."
 - The phrase "may only use the following" in subsection (C)(9) has been found to be too limited in scope. The Department intends to revise the phrase to read, "may only use or possess the following methods or devices for taking wildlife."
 - The phrase "may only use or possess the following" in subsection (C)(10) has been found to be too limited in scope. The Department intends to revise the phrase to read, "may only use or possess the following methods or devices for taking wildlife."

R12-4-319. Use of Aircraft to Take Wildlife

- Subsection (A)(3) has been found to be awkward and confusing. The Department will revise the definition of "locate" to mean any act or activity that does not take or harass wildlife and is directed at locating or finding wildlife in a hunt area.
- Subsection (D) has been found to be awkward and confusing. The Department intends to revise the subsection to state that except in hunt units with Commission-ordered special seasons under R12-4-115 and R12-4-120 and hunt units with seasons only for mountain lion and no other concurrent big game season, an individual shall not locate or assist in locating wildlife from or with the aid of an aircraft in a hunt unit with an open big game season. This restriction begins 48 hours before the opening of a big game season in a hunt unit and extends until the close of the big game season for that hunt unit.
- Subsection (D), formerly (E), is too narrow in scope, and does not adequately address issues relating to use of aircraft to take wildlife. The Department will amend the rule to reference R12-4-115 and R12-4-120, dealing with special big game license tags, and to make unlawful the use of aircraft to locate wildlife 48 hours before or during a Commission-ordered special season for special big game license tag holders or anyone who assists or will assist the tag holder.

R12-4-320. Harassment of Wildlife

- In order to address issues related to the harassment of wildlife with aircraft or motorized terrestrial or aquatic vehicles, the Department will adopt a new Section establishing such actions as unlawful.
- The Department shall adopt the rule as follows:
 - A. In addition to the provisions of A.R.S. § 17-301, it is unlawful to harass, molest, chase, rally, concentrate, herd, intercept, torment or drive wildlife with and/or from any aircraft, as defined in R12-4-319, or with and/or from any motorized terrestrial or aquatic vehicle.
 - B. This Section does not apply to individuals acting:
 - 1. Under the provisions of A.R.S. § 17-239; or
 - 2. Within the scope of official duties as an employee or authorized agent of the state or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life or crops.